

AIRGRAM

Pol 33-4 Austl-Indo

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AIR	ARMY	NAVY	OSD
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USIA	NSA	CIA	JUS
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FILE DESIGNATION

XR Pol 33-4 London-New
A-104 *[Signature]*

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HANDLING INDICATOR

TO : Department of State

Info : CANBERRA, LISBON, MEDAN, SURABAYA

PM
JG

FROM : Amembassy DJAKARTA

DATE: April 9, 1971

SUBJECT : Indonesian-Australian Offshore Boundary Agreement

REF :

DD/F

The Enclosure to this airgram is a draft agreement initialled by representatives of the Governments of Australia and Indonesia February 20, 1971 in Canberra. It would establish a substantial part of the seabed boundaries between Australia, Papua and the Trust Territory of New Guinea on one hand and Indonesia on the other.

The agreement covers two areas:

- a) a northward extension of the border between West Irian and the Trust Territory, and
- b) a line extending from a point off the southern coast of West Irian to another point south-southwest of the Aru Islands.

There are difficult problems to be resolved at both ends of the line between Indonesia and mainland Australia. On the eastern end, the boundary which would extend south from the Papua-West Irian border is complicated by the Australian claim that the off-shore boundary should follow the direction of the Torassi River, which forms the southern end of the onshore boundary. Indonesian

Enclosure:

As stated. (1 copy to Department only)

GROUP 3

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Drafted by:	Drafting Date:	Phone No.:	Contents and Classification Approved by:
ECON:TE Taylor:aeb	4/9/71	283	ECON:EE Segall
Clearances:			
POL:RF Elutz, Jr. (draft)			

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oil concession maps have shown line drawn due south from New Guinea coast.

Another, more serious problem is presented by the deep-water Timor Trough, which divides Timor and other Indonesian islands from Australia and its wide shelf. The Australian position is that the entire shelf adjacent to its territory and south of Timor Trough is Australian. Indonesia holds that this shelf is only an extension of the shelf which connects West Irian and Australia and that a line should be drawn halfway between Indonesian and Australian territory.

The draft agreement postpones both these problems for further discussions.

Both parties originally planned to sign the agreement formally late in April, but an officer of the Australian Embassy here reports that the recent cabinet changes in his country may lead to a postponement until May or June. It will then have to be ratified by both governments.

COMMENT: By dodging the crunch questions, the two parties have come to agreement. But failure to resolve the Timor Sea boundary will probably retard oil exploration in the area and may lead to disputes in the future. We expect that the Indonesians and Australians will not pursue the question further for several years.

It is possible that the Indonesians will open discussions with the Portuguese to determine offshore boundaries around Timor, where there is now some petroleum exploration. The Portuguese were clamoring to be admitted to the Indonesian-Australian discussions, but neither Indonesia nor Australia wanted the Portuguese included, since they hoped to present Portugal with a fait accompli.


G. A. BRAITH

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REPORT ON NEGOTIATIONS
BETWEEN
INDONESIAN AND AUSTRALIAN DELEGATIONS
CONCERNING
THE ESTABLISHMENT OF CERTAIN SEABED BOUNDARIES

After exploratory talks in Canberra in March 1970, negotiations took place in Canberra from 15 February 1971 to 20 February 1971 between Indonesian and Australian delegations concerning the establishment of boundaries in respect of certain areas of seabed in the Arafura Sea and off the northern and southern coasts of Irian (the island of New Guinea).

As a result of the negotiations, the delegations have agreed to submit for the consideration of their Governments a draft Agreement and draft Notes in the form attached hereto.

The two delegations further discussed the boundary questions that arise in relation to seabed areas westward of the areas covered by Article 1 of the draft Agreement.

Done at Canberra this twentieth day of February 1971.

For the Indonesian
Delegation:

For the Australian
Delegation:

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AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
AND
THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA
ESTABLISHING CERTAIN SEABED BOUNDARIES

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA,

Desiring to strengthen the bonds of friendship
between the two countries; and

Desiring particularly to cooperate in delimiting
by agreement the boundaries of certain areas of seabed in
which the two countries respectively exercise sovereign
rights for the exploration and exploitation of the natural
resources,

HAVE AGREED AS FOLLOWS:

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ARTICLE 1

In the Arafura Sea eastwards of Longitude 133°23' East, the boundary between the area of seabed that is adjacent to and appertains to the Republic of Indonesia and the area that is adjacent to and appertains to the Commonwealth of Australia shall be the straight lines shown on chart 'A' annexed to this Agreement, commencing at the point of Latitude 9° 52' South, Longitude 140° 29' East (Point A1), and thence connecting the points specified hereunder in the sequence so specified:

- A2. The point of Latitude 10° 24' South, Longitude 139° 46' East
- A3. The point of Latitude 10° 50' South, Longitude 139° 12' East
- A4. The point of Latitude 10° 24' South, Longitude 138° 38' East
- A5. The point of Latitude 10° 22' South, Longitude 138° 35' East
- A6. The point of Latitude 10° 09' South, Longitude 138° 13' East
- A7. The point of Latitude 9° 57' South, Longitude 137° 45' East
- A8. The point of Latitude 9° 08' South, Longitude 135° 29' East
- A9. The point of Latitude 9° 17' South, Longitude 135° 13' East
- A10. The point of Latitude 9° 22' South, Longitude 135° 03' East
- A11. The point of Latitude 9° 25' South, Longitude 134° 50' East
- A12. The point of Latitude 8° 53' South, Longitude 133° 23' East

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ARTICLE 2

The two Governments have not provided in this Agreement for the delimitation of the respective areas of adjacent seabed westward of Longitude 133° 23' East, and have left this question for discussion at further talks to be held at a mutually convenient date.

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ARTICLE 3

1. Off the southern coast of Irian (the island of New Guinea), westwards of Longitude $140^{\circ} 49' 30''$ East, the boundary between the area of seabed that is adjacent to and appertains to the Republic of Indonesia and the area that is adjacent to and appertains to the Territory of Papua shall be the straight line shown on chart 'A' annexed to this Agreement, connecting the point of Latitude $9^{\circ} 24' 30''$ South, Longitude $140^{\circ} 49' 30''$ East (Point B1) with the point of Latitude $9^{\circ} 52'$ South, Longitude $140^{\circ} 29'$ East (Point A1).

2. The two Governments have not provided in this Agreement for the drawing of a boundary line between the point B1 referred to in paragraph 1 of this Article and the point at which the land boundary between West Irian and the Territory of Papua meets the southern coast of Irian (the island of New Guinea), and have left this question for further discussion as and when agreed.

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ARTICLE 4

1. Off the northern coast of Irian (the island of New Guinea), the boundary between the area of seabed that is adjacent to and appertains to the Republic of Indonesia and the area that is adjacent to and appertains to the Trust Territory of New Guinea shall lie along the straight line shown on chart 'B' annexed to this Agreement, connecting the point at which the land boundary between West Irian and the Trust Territory meets the northern coast of Irian (the island of New Guinea) (Point C1) with the point of Latitude $2^{\circ} 08' 30''$ South, Longitude $141^{\circ} 01' 30''$ East (Point C2). If any lines are drawn extending this line northward, they shall be drawn on the same principle, that is to say the principle of equidistance.

2. The lines referred to in paragraph 1 of this Article are to be taken as indicating the direction in which the lateral boundary of the respective areas of seabed is agreed to lie.

3. This Article shall not in any way affect any agreement that may subsequently be made between the two Governments delimiting the lateral boundary of the territorial sea as between the Republic of Indonesia and the Trust Territory of New Guinea.

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ARTICLE 5

For the purpose of this Agreement, "seabed" includes the subsoil thereof, except where the context otherwise requires.

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ARTICLE 6

1. The co-ordinates of the points specified in Articles 1, 3 and 4 of this Agreement are geographical co-ordinates, and the actual location of the points and of the lines joining them shall be determined by a method to be agreed upon by the competent authorities of the two Governments.
2. For the purpose of paragraph 1 of this Article the competent authorities in relation to the Republic of Indonesia shall be the Chief of the Co-ordinating Body for National Survey and Mapping (Ketua Badan Koordinasi Survey Dan Pemetaan Nasional) and any person acting with his authority, and in relation to the Commonwealth of Australia shall be the Director of National Mapping and any person acting with his authority.

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ARTICLE 7

If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any of the lines that are specified in Articles 1, 3 and 4 of this Agreement, and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the two Governments will seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

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ARTICLE 8

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

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ARTICLE 9

This Agreement is subject to ratification in accordance with the constitutional requirements of each country, and shall enter into force on the day on which the Instruments of Ratification are exchanged.

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IN WITNESS WHEREOF the undersigned, being duly
authorised by their respective Governments, have signed
this Agreement.

DONE IN DUPLICATE at this
day of 197 in the Indonesian and English
languages.

FOR THE GOVERNMENT OF
THE REPUBLIC OF
INDONESIA:

FOR THE GOVERNMENT OF
THE COMMONWEALTH OF
AUSTRALIA:

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DRAFT AUSTRALIAN NOTE

Your Excellency,

I have the honour to refer to the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia, signed today, establishing certain seabed boundaries.

With regard to the seabed boundary off the northern coast of the island of New Guinea (Irian), it is the understanding of my Government that the agreement in paragraph 1 of Article 4 that the lateral boundary of the respective areas lies along the straight line mentioned in that paragraph does not imply that national jurisdiction in the relevant areas of seabed extends to or terminates at any particular point along that line or along any lines extending it.

I should be glad to have your confirmation that this is also the understanding of your Government.

DRAFT INDONESIAN REPLY

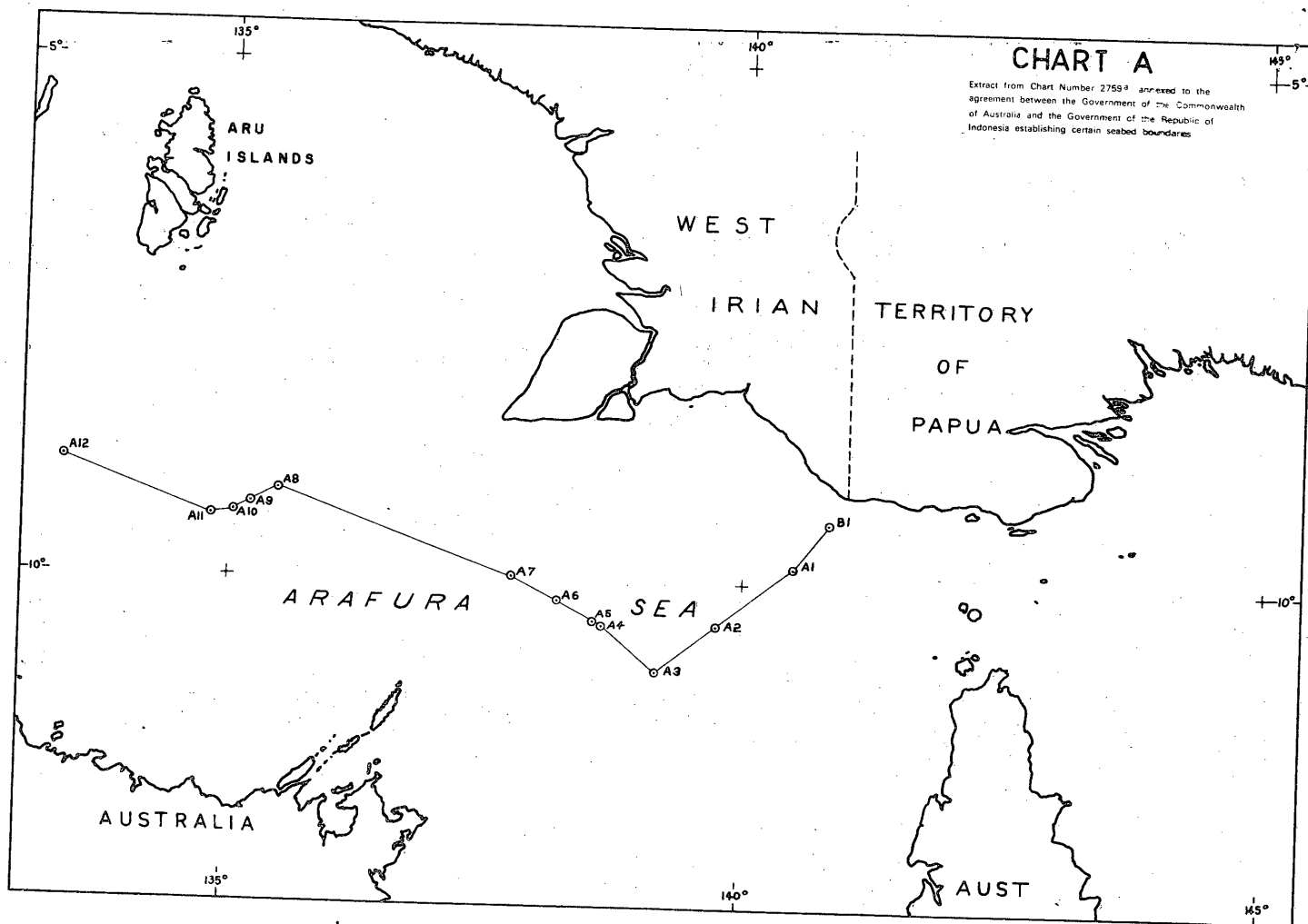
I have the honour to acknowledge receipt of Your Excellency's Note of today's date, reading as follows:

(insert text)

I confirm that the understanding recorded in Your Excellency's Note is also the understanding of my Government.

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